

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA,)	
<i>Plaintiff,</i>)	
)	
vs.)	No. 1:21-cr-00058-CEA-SKL
)	
MARK DEAKINS,)	
<i>Defendant.</i>)	

MOTION FOR VARIANCE

COMES NOW Defendant and, pursuant to 18 U.S.C. 3553(a) would respectfully request that the Court consider a downward variance and would show as follows:

1. To the extent that the Guideline sentence remains a life sentence after all PSR objections are resolved, the Court should consider a downward variance and impose a term of years instead.

2. Although Mr. Deakins had an absolute right to a jury trial, he consented to a bench trial. Doing so saved the Government the extra expense and considerable extra effort associated with a jury trial. Additionally, a bench trial avoided having a lay jury watch the videos at issue, which would have been difficult for the jury and would have added to the embarrassment of C.C., B.A., and J.G. Further, because there was a bench trial instead of a jury trial, the testimony of those individuals was also likely easier for them, and only limited cross-examination was necessary.

3. If defendants (or their lawyers) believe that a sentence will be the same following a jury trial as following a bench trial, they will have no incentive to consider a bench trial.

4. A long or very long term of years would satisfy the § 3553(a) criteria while also providing a modest incentive for defendants to consider bench trials in these types of cases.

Dated: September 14, 2023

Respectfully submitted,

MARK DEAKINS

s/Howard W. Anderson III
Howard W. Anderson III
B.P.R. No. 34693

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CERTIFICATE OF SERVICE

I, Howard W. Anderson III, certify that I filed a copy of the foregoing paper using the Court's CM/ECF system, which will deliver a copy to all counsel of record except for the following, whom I have this day served by U.S. Mail:

n/a

s/Howard W. Anderson III
Howard W. Anderson III